

AMENDMENT

Claim 7 is pending.

Claims 1-6 and 8 have been cancelled.

The limitations of claim 2-5 have been introduced in claim 7. Support for the amendments is found in the claims and specification, as originally filed.

No new matter is believed to have been added.

REMARKS/ARGUMENTS

The present inventors have found that a hair detergent composition comprising an anionic surfactant, a specific glyceryl ether, and a silicone compound having a side chain containing both a hydroxy group and a nitrogen atom, provides rich foaming upon shampooing and gives an excellent conditioning effect to the hair (page 2 of the present specification).

Claims 1-8 are rejected under 35 U.S.C. 103(a) over Kasuga et al., EP 1013754 and Global Cosmetic Industry (May 1, 2002). The rejection is traversed because:

(1) Kasuga et al. do not suggest a hair detergent composition comprising the claimed components (a)-(b) in combination with the claimed silicone (c);

(2) a skilled artisan would not have modified the detergent of Kasuga et al. with the presently claimed silicone with a reasonable expectation of providing a combination of rich foaming upon shampooing and an excellent conditioning effect to the hair; and

(3) the claimed hair detergent provides an unexpected result.

Kasuga et al. describe a hair detergent comprising (A) 0.5-60 wt.% of anionic surfactants, (B) 0.01-20 wt.% of a conditioning component (e.g., amino-modified silicones), and (C) 0.1-30 wt.% of monoglyceryl ether having a linear or branched alkyl or alkenyl group having 4-12 carbon atoms (paragraphs [0001], [0006], [0018], [0033], and [0037]).

Kasuga et al. describe different silicones in a detergent composition, i.e., demethyl polysiloxane KP-96 and aqueous emulsions BY-22 (see Table in the Examples), SM 8704 or DC 929 (page 3, lines 52-55).

Kasuga et al. do not describe a hair detergent comprising the claimed silicone compounds in combination with the claimed components (a)-(b).

There is nothing in the cited references which would have motivated one of skill in the art to modify the teachings of Kasuga et al. to replace the disclosed conditioning agent with the presently claimed silicone.

Moreover, there is nothing in the cited references which would suggest that the use of the presently claimed silicone would provide any benefit.

As noted above, however, the claimed hair detergent provides unexpectedly rich foaming upon shampooing and gives an excellent conditioning effect to the hair. Table 1 of Example 1 of the present specification (reproduced below) shows that when an amino-silicone different from the presently claimed silicone is used, the hair detergent has inferior foaming performance, softness, and smoothness of the dry and wet hair, see the results for Example 1 and Comparative Example 3 in Table 1 below. The evaluation shows that the claimed silicone provides excellent smoothness of hair during rinsing and after drying.

Table 1

Composition (wt.%)		Example	Comparative Examples		
		1	1	2	3
(a)	Sodium polyoxyethylene (2) lauryl ether sulfate	10.0	10.0	10.0	10.0
(b)	2-Ethylhexyl glyceryl ether	2.0	2.0	-	2.0
(c)	Silicone derivative *	0.5	-	0.5	-
Others	Amino-modified silicone ("KT1989", product of GE Toshiba Silicones)	-	-	-	0.5
	Cocamidopropyl betaine	3.0	3.0	3.0	3.0
	Cocamide MEA	-	-	2.0	-
	Ethylene glycol distearyl ester	1.0	1.0	1.0	1.0

	Cationized cellulose ("UCare Polymer JR-400", product of Amerchol)	0.5	0.5	0.5	0.5
	Sodium chloride	0.5	0.5	0.5	0.5
	Perfume	Trace	Trace	Trace	Trace
	Citric acid	q.s.	q.s.	q.s.	q.s.
	Purified water	Balance	Balance	Balance	Balance
	pH (after diluted to 20 times the weight)	6.0	6.0	6.0	6.0
Evaluation	Foaming performance	A	A	C	B
	Softness of hair during foaming	A	C	B	B
	Smoothness of hair during rinsing	A	C	B	D
	Smoothness of hair after drying	A	C	B	C

In addition, Examples 2 and 3 on pages 16-18 of the present specification show that the claimed detergent provides superior foaming and conditioning performance.

Moreover, one would not have reasonably expected that substituting the presently claimed conditioning agent into the composition of the Kasuga et al. that uses different silicone compounds, would have provided rich foaming upon shampooing and an excellent conditioning effect to the hair without actually conducting experiments because chemical arts are unpredictable. In a recent decision, the Court stated that "[t]o the extent an art is unpredictable, as the chemical arts often are, *KSR*'s focus on these "identified, predictable solutions" may present a difficult hurdle because potential solutions are less likely to be genuinely predictable." *Eisai Co, Ltd. v. Dr. Reddy's Lab.*, 533 F.3d. 1353 (Fed. Cir. July 21, 2008).

Thus, for the reasons set forth above, the combination of Kasuga et al. and the Global Cosmetic Industry publication does not make the claimed hair detergent obvious.

Applicants request that the rejection be withdrawn.

A Notice of Allowance for all pending claims is requested.

Respectfully submitted,

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